

# HOUSE BILL No. 1572

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-10.

**Synopsis:** Inmate disease testing. Requires the department of correction to test an inmate for hepatitis C and HIV 30 to 60 days before the inmate is released on parole or probation, transferred to a community corrections or community transition program, or discharged.

**Effective:** July 1, 2005.

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**Crawford**

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January 18, 2005, read first time and referred to Committee on Public Health.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1572

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 11-10-3-2.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.5. (a) As used in this  
3 section, "confirmatory test" means a laboratory test or a series of tests  
4 approved by the state department of health and used in conjunction  
5 with a screening test to confirm or refute the results of the screening  
6 test for the human immunodeficiency virus (HIV) antigen or antibodies  
7 to the human immunodeficiency virus (HIV).

8 (b) As used in this section, "screening test" means a laboratory  
9 screening test or a series of tests approved by the state department of  
10 health to determine the possible presence of the human  
11 immunodeficiency virus (HIV) antigen or antibodies to the human  
12 immunodeficiency virus (HIV).

13 (c) For an individual who is committed to the department after June  
14 30, 2001, the examination required under section 2(a) of this chapter  
15 must include the following:

16 (1) A blood test for hepatitis C.

17 (2) A screening test for the human immunodeficiency virus (HIV)

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antigen or antibodies to the human immunodeficiency virus (HIV).

(d) If the screening test required under subsection (c)(2) indicates the presence of antibodies to the human immunodeficiency virus (HIV), the department shall administer a confirmatory test to the individual.

(e) The department may require an individual who:

(1) was committed to the department before July 1, 2001; and

(2) is in the custody of the department after June 30, 2001;

to undergo the tests required by subsection (c) and, if applicable, subsection (d).

**(f) Not more than sixty (60) days nor less than thirty (30) days before an individual committed to the department is:**

**(1) released on:**

**(A) parole; or**

**(B) probation;**

**(2) transferred to a:**

**(A) community transition program; or**

**(B) community corrections program; or**

**(3) discharged;**

**the department shall perform the blood and screening tests described in subsection (c).**

~~(f)~~ (g) Except as otherwise provided by state or federal law, the results of a test administered under this section are confidential.

~~(g)~~ (h) The department shall ~~beginning September 1, 2002,~~ file an annual report in an electronic format under IC 5-14-6 with the executive director of the legislative services agency containing statistical information on the number of individuals tested and the number of positive test results determined under this section.

SECTION 2. IC 11-10-12-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5. Not more than sixty (60) days nor less than thirty (30) days before an individual committed to the department is:**

**(1) released on:**

**(A) parole; or**

**(B) probation;**

**(2) transferred to a:**

**(A) community transition program; or**

**(B) community corrections program; or**

**(3) discharged;**

**the department shall perform the blood and screening tests described in IC 11-10-3-2.5(c).**

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